

## **REMARKS**

The examiner has rejected claim 1 as indefinite. The examiner says that the use of the terms "near the conveyor" and "over the conveyor" does not delineate a difference. Claim 1 does not use the term near. The third position is next to the conveyor. Next means adjacent and not over. The fourth position is defined as over the conveyor which can not be next to.

The examiner states that claim 1 is indefinite since it could cover continuous movement. Applicant disagrees. Claim 1 provides for

"displacement means for

displacing said takeout arm from said first pick-up position to said second deadplate position,

displacing said takeout arm from said second deadplate position to said third position next to said conveyor, and

displacing said takeout arm from said third position next to the conveyor to a fourth position whereat the takeout arm is located over the conveyor...."

The claim requires displacement between known locations which are clearly defined.


Displacement always moves along a path which can be defined by points. But when displacement starts, the control knows from what point it will start and at what point it will end. If going along this path, the object will pass through three points A/B/C, you would describe this movement as going from start to finish passing through points A/B/C. That is not what this claim says. It says that you first travel from point one to point two. A stop (discontinuity) is inherent. If you do not stop you have not gone from point one to some other point 3 - you have gone between points one and three passing through point 2.

Claim 1 has been rejected as obvious over an earlier patent by applicant. In that patent bottles are displaced from the machine to a deadplate and from the deadplate to the conveyor of a Lehr (during this transfer, the bottles pass through a

position that would be next to the Lehr conveyor). Fenton does not teach the second and third clauses of the displacement means.

Claim 1 patentably defines over Fenton and should be presently allowed.

Respectfully submitted,

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